FARAD CONTINUATION SHEET No.

IN THE HIGH COURT OF JUDICATURE AT BOMBAY

CIVIL APPELLATE SIDE

WRIT PETITION NO.4406 OF 2004

Office Notes, Office Memoranda of Coram, appearances, Court's orders or directions and Registrar's orders.	Court's or Judge's orders

Mr.A.V.Anturkar, for the Petitioners
Ms. S.S.Bhende, A.G.P. for Respondents

CORAM : F.I. REBELLO & S.P. KUKDAY,JJ.
DATED : 21st February,2005
P.C.

. Rule. Heard forthwith.

2. The petitioner preferred this petition against the demand dated 22nd January, 2004 made by the respondents herein. It is the contention of the petitioner that considering Section 32A(3) of the Bombay Stamp Act the Respondent No.1 could not have passed the order without first determining the market value of the immovable property. It is further contended that as the order involves civil consequences before determining the market value the petitioner ought to have been heard in the matter.

3. We find from the order dated 22nd January, 2004 there is nothing to indicate as to the market rate which is arrived at by the respondents. Apart from that the grievance of the petitioner is that the petitioner was not heard before the order dated 22nd January, 2004 came to be passed. Considering the above, we pass the following order:-

. The impugned demand made by order dated 22nd January, 2004 is set aside. The matter is remanded back to the respondents to pass fresh orders after complying with the mandate of Section 32A of the Bombay Stamp Act and after giving reasonable opportunity to the petitioner of being heard before passing final order within three months from today. Rule made absolute accordingly. No order as to costs.

(F.I. REBELLO, J.)

(S.P. KUKDAY, J.)